

**REMARKS**

Claims 1-20 are all of the claims presently pending in the application. Claim 1 has been amended to more particularly define the claimed invention.

It is noted that the claims amendments are made only for more particularly pointing out the invention, and not for distinguishing the invention over the prior art, narrowing the claims, or for any statutory requirements of patentability. Further Applicant specifically states that no amendment to any claim herein should be construed as a disclaimer of any interest in or right to an equivalent of any element or feature of the amended claim.

Applicant gratefully acknowledges the Examiner's indication that 6, 11, 12, 14-16 would be allowable if rewritten in independent form. Applicant submits, however, that all of claims 1-20 are allowable.

Claims 1, 3, 5, 7-10, 13, 17, 18 and 20 stand rejected under 35 U.S.C. § 102(b) as being anticipated by Arisaka (U.S. Patent No. 6,511,273). Claims 2 and 4 stand rejected under 35 U.S.C. § 103(a) as being unpatentable over Arisaka in view of Japanese Patent Publication No. JP 2002-106519 (hereinafter "JP '519").

These rejections are respectfully traversed below.

**I. THE CLAIMED INVENTION**

The claimed invention of exemplary claim 1, provides a retaining protruding piece, which extends from a side portion thereof opposite to a protruding portion of the split flange and engages with a corresponding side portion of the shaft portion, formed on the side leg

portions, wherein the retaining protruding piece includes a pawl portion extending from an end of the retaining protruding piece, wherein the pawl portion engages a side portion of the shaft portion (e.g., see Application at Figures 3 and 4; paragraph [0021]). This combination of features is important for providing a clip in which the side leg portions can be reliably held in a closed state (see Application at page 6, lines 6-8).

## II. THE PRIOR ART REFERENCES

### A. The Arisaka Reference

The Examiner alleges that Arisaka teaches the claimed invention of claims 1, 3, 5, 7-10, 13, 17, 18 and 20. Applicant submits, however, that Arisaka does not teach or suggest each and every feature of the claimed invention.

That is, Arisaka does not teach or suggest “*said pawl portion engaging a side portion of said shaft portion*”, as recited in claim 1.

The Examiner attempts to rely on Figures 3-33 of Arisaka to support her allegations. The Examiner, however, is clearly incorrect.

That is, nowhere in these figures (nor anywhere else for that matter) does Arisaka teach or suggest a retaining protruding piece, which extends from a side portion thereof opposite to a protruding portion of the split flange and engages with a corresponding side portion of the shaft portion, formed on the side leg portions, wherein the retaining protruding piece includes a pawl portion extending from an end of the retaining protruding piece, wherein the pawl portion engages a side portion of the shaft portion. Indeed, Arisaka merely discloses that when “the spindle 14 of the pin 13 is further pushed down, the stopper protrusions 19 formed on the inner faces of the half barrels 17 fit into the grooves 14a formed

near the tip of the spindle 14” (see Arisaka at column 6, lines 46-49). Arisaka merely teaches that the stopper protrusions (19) engage the grooves (14a). Arisaka does not teach or suggest that the pawl portion engages a side portion of the shaft portion.

Indeed, the Examiner concedes that Arisaka does not teach or suggest this feature. That is, the Examiner states “the pawl portion does not engage the shaft portion” in Arisaka (see Office Action dated June 16, 2006 at page 6).

Therefore, Applicant submits that Arisaka does not teach or suggest each and every feature of the claimed invention. Therefore, the Examiner is respectfully requested to reconsider and withdraw this rejection.

#### **B. The JP ‘519 Reference**

The Examiner alleges that Arisaka would have been combined with JP ‘519 to teach the claimed invention of claims 2 and 4. Applicant submits, however, that, even if combined, the alleged combination of references would not teach or suggest each and every feature of the claimed invention.

That is, neither Arisaka nor JP ‘519, nor any combination thereof, teaches or suggests that “*said pawl portion engaging a side portion of said shaft portion*”, as recited in claim 1.

Indeed, as detailed in section A above, Arisaka fails to teach or suggest this feature. Furthermore, Applicants respectfully submit that JP ‘519 fails to make up the deficiencies of Arisaka.

The Examiner attempts to rely on Figures 1-9 of JP ‘519 to support his allegation. The Examiner, however, is clearly incorrect.

That is, nowhere in these figures (nor anywhere else for that matter) does JP ‘519

teach or suggest a retaining protruding piece, which extends from a side portion thereof opposite to a protruding portion of the split flange and engages with a corresponding side portion of the shaft portion, formed on the side leg portions, wherein the retaining protruding piece includes a pawl portion extending from an end of the retaining protruding piece, wherein the pawl portion engages a side portion of the shaft portion. Indeed, the Examiner does not even allege that JP '519 teaches or suggests this feature. That is, the Examiner merely relies upon JP '519 as teaching a flange portion having stepped portions that are superimposed on top of each other at abutting surfaces of the split flanges.

Thus, JP '519 fails to make-up for the deficiencies of Arisaka.

Therefore, Applicant submits that, even if combined, the alleged combination of references would not teach or suggest each and every feature of the claimed invention. Therefore, the Examiner is respectfully requested to reconsider and withdraw this rejection.

### **III. FORMAL MATTERS AND CONCLUSION**

In view of the foregoing, Applicant submits that claims 1-20, all the claims presently pending in the application, are patentably distinct over the prior art of record and are in condition for allowance. The Examiner is respectfully requested to pass the above application to issue at the earliest possible time.

Should the Examiner find the application to be other than in condition for allowance, the Examiner is requested to contact the undersigned at the local telephone number listed below to discuss any other changes deemed necessary in a telephonic or personal interview.

U.S. Application No. 10/802,941  
Docket No. P21-166283M/TT  
(NGB.380)

11

The Commissioner is hereby authorized to charge any deficiency in fees or to credit any overpayment in fees to Attorney's Deposit Account No. 50-0481.

Date: September 7, 2006

Respectfully Submitted,



Scott M. Tulino, Esq.  
Registration No. 48,317

Sean M. McGinn, Esq.  
Registration No. 34,386

**MCGINN INTELLECTUAL PROPERTY**

**LAW GROUP, PLLC**

8321 Old Courthouse Road, Suite 200  
Vienna, VA 22182-3817  
(703) 761-4100  
**Customer No. 21254**